

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ROSA M. LUGO TORRES, ET AL.

Plaintiffs

v.

**WALTER TORRES MALDONADO, ET
AL.**

Defendants

CIVIL NO. 97-2440 (JAG)

**CIVIL RIGHTS, DAMAGES,
INJUNCTION AND TRIAL BY
JURY**

RESPONSE TO “MOTION CONSIGNING PARTIAL FUNDS IN SATISFACTION OF JUDGMENT”; REQUEST FOR ISSUANCE OF CHECKS FROM THE DEPOSITED AMOUNT; AND REQUEST FOR SANCTIONS TO BE IMPOSED AGAINST THE MUNICIPALITY OF MARICAO AND ITS MAYOR FOR FAILURE TO COMPLY WITH THIS HONORABLE COURT’S ORDER AT DOCKET #233

Come now the plaintiffs, through the undersigned legal representation, and respectfully state and pray:

1. The Municipality of Maricao and its Mayor filed the motion of reference in the title, by which \$30,000.00 were deposited with the Clerk of the Court of the \$60,000.00 which they were to pay the plaintiffs according to the settlement reached in the case.

2. Once again, the Municipality of Maricao and its Mayor have blatantly disregarded the Court’s order. This Honorable Court’s order at Docket #233 instructed the Municipality of Maricao and its Mayor to deposit the amount of \$60,000.00 on or before the sixty (60) day period requested by said municipality expired. The order specifically stated that the term had to be strictly adhered to.

3. Nevertheless, only half of the total amount is being deposited with the Court, and now forty – five (45) more days are being requested to pay the other half.

4. This new request defies comprehension. As the Court is well aware, the Municipality of Maricao is the only one from the group of municipalities which comprise the Southwestern Consortium not to have paid its corresponding portion of the settlement amount in this case.

5. Moreover, plaintiffs have been going through the process of collecting that final amount since October 14, 2003, the date when the settlement amount was to be paid originally by the defendants in this case.

6. Since then, the Municipality of Maricao filed not one, but two (2) motions for extension of time; was granted the sixty (60) days they requested under penalty of sanctions; and, after that sixty (60) day period had already expired, they file yet another motion indicating that they need more time to complete payment of their share of the settlement amount.

7. In light of the above, and pursuant to the Court's order at Docket #233, plaintiffs respectfully request that severe sanctions be levied upon the Municipality of Maricao and its Mayor, Gilberto Valentín.

8. Additionally, plaintiffs request that the amount of \$30,000.00 deposited with the Court be divided into individual checks for each of the following seven (7) plaintiffs in the following amounts:

a.	Miguel Pacheco Quiñones	-	\$2,857.14
b.	Ernesto González	-	\$2,857.14
c.	Felícita Martínez Alicea	-	\$2,857.14
d.	María Centeno Aquino	-	\$2,857.14
e.	Rosa Lugo Torres	-	\$2,857.15
f.	Rosa Ramos	-	\$2,857.14
g.	Lidian Vega Albino	-	\$2,857.15

Also, plaintiffs request that one (1) check be issued in the amount of \$10,000.00 for attorneys' fees, as agreed upon with the plaintiffs for the litigation of this case, made to the order of Aldarondo & López Bras.

WHEREFORE, plaintiffs pray to the Court to:

- 1) Deny the Municipality of Maricao and its Mayor's request for an additional forty – five (45) days to deposit the remaining \$30,000.00 from the settlement amount of \$60,000.00 owed to the plaintiffs;
- 2) That severe sanctions be levied upon the Municipality of Maricao and its Mayor pursuant to this Honorable Court's order at Docket #233; and
- 3) That checks from the amount of \$30,000.00 already deposited be issued as requested herein by the plaintiffs.

It is hereby certified that notice of this motion has been served by fax to the following non-ECF participants: Kenneth Colón, Esq., 787-977-7729; Marta Vilá, Esqress., 787-753-6580; Grisselle González Negrón, Esqress., 787-777- 0737; María Soledad Piñeiro Soler, Esqress., 787-758-4236; and Gilberto Pérez Valentín, Fax 787-838-2520

Respectfully submitted in San Juan, Puerto Rico this March 8, 2004.

s\ Iván M. Castro Ortiz

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